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**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

JAMES R. GLIDEWELL DENTAL
 CERAMICS, INC. DBA
 GLIDEWELL LABORATORIES, a
 California corporation,

 Plaintiff

vs.

KEATING DENTAL ARTS, INC., a
 California corporation,

 Defendant.

KEATING DENTAL ARTS, INC., a
 California corporation,

 Counterclaim-Plaintiff,

vs.

JAMES R. GLIDEWELL DENTAL
 CERAMICS, INC., DBA
 GLIDEWELL LABORATORIES, a
 California corporation, and
 DOES 1 THROUGH 5, inclusive,

 Counterclaim-Defendants.)

Case No. SACV11-01309-DOC(ANx)

**PLAINTIFF'S/COUNTERCLAIM-
 DEFENDANT RESPONSES TO
 DEFENDANT'S THIRD SET OF
 REQUESTS FOR PRODUCTION OF
 DOCUMENTS(NOS. 50 - 54)**

Plaintiff Glidewell Laboratories hereby responds to Defendant Keating
 Dental Arts, Inc. Third Set of Requests for Production as follows:

1 **GLIDEWELL LABORATORIES PRELIMINARY STATEMENT**

2

3 Glidewell Laboratories has not completed its investigation relating to

4 this action, has not completed discovery in this action, and has not completed

5 preparation for trial. As discovery proceeds, facts, information, evidence,

6 documents and things may be discovered that are not set forth in these

7 Responses, but which might have been responsive to Keating Dental Arts,

8 Inc.'s Requests. The following Responses are based on Glidewell

9 Laboratories knowledge, information, and belief at this time, and are complete

10 as to Glidewell Laboratories best knowledge at this time. These responses

11 were prepared based on Glidewell Laboratories good faith interpretation and

12 understanding of the individual Requests and are subject to correction of

13 inadvertent errors or omissions, if any. These Responses are provided without

14 prejudice to subsequent revision or supplementation based upon any

15 information, evidence, and/or documentation that hereinafter may be

16 discovered. Glidewell Laboratories reserves the right to refer to, conduct

17 discovery with reference to, or offer into evidence at the time of trial, any

18 facts, evidence, documents and things developed during the course of

19 discovery and trial preparation, notwithstanding the reference to facts,

20 evidence, documents and things in these Responses.

21 To the extent that any Request seeks documents and communications

22 that are also sought by or identified pursuant to any other Request, Glidewell

23 Laboratories declines to produce or identify multiple copies of such

24 documents and communications, and states that each document and

25 communication produced or identified pursuant to any Request is also

26 produced and identified pursuant to every other Request to which it is or may

27 be responsive.

28

1 To the extent that any Request seeks documents and communications
 2 that are protected by the attorney-client privilege, attorney work product
 3 doctrine, or any other applicable privilege or immunity, Glidewell
 4 Laboratories declines to produce such documents and communications, which
 5 would include, without limitation:

- 6 1. All documents and communications that constitute or record
 7 correspondence or other communications between counsel for
 8 Glidewell Laboratories, or its agents and employees, and Glidewell
 9 Laboratories, or its agents and employees, regarding this action;
- 10 2. All documents and communications prepared for use in this
 11 litigation, including, but not limited to, notes, memoranda, draft
 12 pleadings, and correspondence prepared by, at the direction of, or for
 13 review by counsel for Glidewell Laboratories; and
- 14 3. All documents and communications that constitute or record
 15 correspondence or other communications between Glidewell
 16 Laboratories and counsel for Glidewell Laboratories.

17
 18 **GLIDEWELL LABORATORIES GENERAL OBJECTIONS TO**
 19 **KEATING DENTAL ARTS, INC.'S REQUESTS FOR PRODUCTION**
 20

21 Glidewell Laboratories objects to Keating Dental Arts Inc.'s Requests in
 22 their entirety to the extent that they seek documents and communications that
 23 are not relevant to the subject matter of this litigation and are not reasonably
 24 calculate to lead to the discovery of admissible evidence. Glidewell
 25 Laboratories further objects to this Request as calling for the production of
 26 privileged, work-product protected, or otherwise non-discoverable
 27 information. No such information will be produced. By agreeing to search for
 28

1 or produce responsive information, or by producing responsive information,
2 Glidewell Laboratories does not admit competence, relevance, materiality, or
3 admissibility of such information or the information contained therein.
4 Glidewell Laboratories specifically reserves its rights to object to the use of
5 such information on any grounds, including irrelevance and/or inadmissibility.
6 Glidewell Laboratories' responses are made subject to and without waiving
7 any objections as to competence, relevance, materiality, or admissibility.

8 Glidewell Laboratories objects to Keating Dental Arts Inc.'s Request in
9 its entirety to the extent that it calls for the production of documents that are
10 protected from disclosure by attorney-client privilege and/or attorney work
11 product doctrine, and/or any other applicable privilege or immunity.

12 Glidewell Laboratories objects to Keating Dental Arts Inc.'s Request in
13 its entirety to the extent that it is overly broad and unduly burdensome.

14 Glidewell Laboratories reserves the right to amend or supplement its
15 responses to Keating Dental Arts Inc.'s Request with additional information
16 pursuant to continuing discovery.

17 Glidewell Laboratories objects to Keating Dental Arts Inc.'s Requests in
18 their entirety to the extent that they seek private, privileged, and/or
19 confidential commercial, financial, and/or proprietary business information.

20 Glidewell Laboratories objects to Keating Dental Arts Inc.'s Requests in
21 their entirety to the extent that they seek documents and communications, the
22 disclosure of which would constitute an unwarranted invasion of the affected
23 persons' constitutional, statutory, and/or common law rights of privacy and
24 confidentiality.

25 Glidewell Laboratories objects to Keating Dental Arts Inc.'s Request in
26 its entirety, as well as each Request and concomitant definition and
27 instruction, as unduly burdensome and oppressive, to the extent each Request
28

1 and concomitant definition and instruction purports to required Glidewell
 2 Laboratories to identify all documents and communications related to a
 3 particular topic or issue.

4 Glidewell Laboratories objects to the definition of “YOU”, “YOUR”,
 5 “PLAINTIFF” as overly broad, unduly burdensome, vague and ambiguous,
 6 and oppressive, and because it imposes burdens on Glidewell Laboratories
 7 beyond those required by the Federal Rules to the extent it would require
 8 Glidewell Laboratories to search for and produce documents that are not
 9 within its possession, custody, or control.

10 Glidewell Laboratories objects to Keating Dental Arts Inc.’s Request in
 11 its entirety, as well as each Request, to the extent it calls for information that
 12 “refer[s]” or “relate[s]” or “constitute[s]” or “concern[s]” or “support[s]” or
 13 “dispute[s]” or reflect[s]” or is “relevant to” or is “related to” a particular topic
 14 on the ground that gathering all documents containing any reference of
 15 relationship to a particular topic is unduly burdensome and out of proportion
 16 to the documents’ potential relevance.

17 All General Objections are incorporated by reference into each
 18 Response as though set forth fully therein.

19
 20
 21 **PLAINTIFF’S COUNTERCLAIM-DEFENDANT RESPONSES**
 22 **TO DEFENDANT’S THIRD SET OF REQUESTS FOR**
 23 **PRODUCTION OF DOCUMENTS (NOS. 50-54)**

24
 25 **REQUEST FOR PRODUCTION NO. 50:**

26 A representative copy of all variations or versions of the forms of which
 27 Glidewell uses or provides to dentists or labs for ordering Glidewell products
 28

1 including, but not limited to, any prescription or order forms for ordering a
2 BRUXZIR product.

3
4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 50:**

5 Served previously.

6
7 **REQUEST FOR PRODUCTION NO. 51:**

8 All documents showing orders placed for a BRUXZIR product in which
9 BRUXZIR is spelled in any way other than BRUXZIR including, but not
10 limited to, bruxer, brux, bruxir, and/or bruxer without regard to typos or lower
11 case letters.

12
13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 51:**

14 Objection – Overly burdensome – there are at least a million orders for
15 BRUXZIR products and it would be impractical to manually examine each
16 one for misspellings.

17
18 **REQUEST FOR PRODUCTION NO. 52:**

19 All documents referring or relating to Glidewell's sales of BRUXZIR
20 products.

21
22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 52:**

23 Objection – Overly broad and unduly burdensome as noted in response
24 to Request No. 51. Summary documents showing extent of sales have
25 previously been served.

1 **REQUEST FOR PRODUCTION NO. 53:**

2 All documents referring or relating to Glidewell's damages claims.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 53:**

5 None other than Keating orders from dentists seeking BRUXZIR
6 Crowns from Defendant. These documents are in Defendant's possession.

8 **REQUEST FOR PRODUCTION NO. 54:**

9 All documents and things referring to all third party use of the marks
10 BRUX or BRUXER and Glidewell's knowledge of such use.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 54:**

13 Previously served.

16 Respectfully submitted,

17 
18 Leonard Tachner
19 Attorney for the Plaintiff/Counterclaim-Defendant
20 17961 Sky Park Circle
Suite 38-E
Irvine, California 92614

21 Dated: October 15, 2012

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23 (949) 955-2415 Telefax

PROOF OF SERVICE

I am a resident of the state of California, I am over the age of 18 years, and I am not a party to this lawsuit. My business address is 17961 Sky Park Circle, Suite 38-E, Irvine, California 92614. On October 15, 2012, I served the following document(s) in the manner indicated:

1. PLAINTIFF'S/COUNTERCLAIM-DEFENDANT RESPONSES TO DEFENDANT'S THIRD SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS (NOS. 50-54)

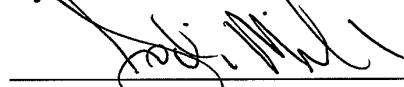
- ☐ via electronic means by the Court's electronic filing system CM/ECF.
- ☒ by placing the document(s) listed above in a sealed envelope to the person at the address set forth below by postage prepaid United States First Class United States mail on the same date set out below.

Lynda J. Zadra-Symes
Jeffrey L. Van Hoosear
Knobbe, Martens, Olson & Bear, LLP
2040 Main Street, Fourteenth Floor
Irvine, CA 92614

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed October 15, 2012 at Irvine, California.

By: /s/ Jodie Miller



Jodie Miller

Case No.: SACV11-01309-DOC(ANx)
CERTIFICATE OF SERVICE